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Washington Sentinel.

WM. M. OVERTON AND CH. MAURICE SMITH.

CITY OF WASHINGTON.

OCTOBER 18, 1853.

Mr. H. K. LUNDY, bookseller, Bridge street, Georgetown, will act as agent for the Sentinel, in receiving subscriptions and adver-

We are requested to announce that during the remainder of the present mouth the President will receive visitors only on Thursday and Saturday of each week, between the hours of one and two o'clock, p. m.

THE CANVASS OF 1852.

It is the fashion of the press to discuss what issue was decided in the presidential contest one year ago. As our views on this question may differ somewhat from those of some of our esteemed cotemporaries, we propose to state

It seems to be thought that the object of the proceedings at Baltimore was to grant a general amnesty for all political offences committed prior to that time. Such is not our conception of the position of our party. Had this been the grand point, the result would have been unimportant, and the exertions to secure it would have been based on unsound and corrupt prin-

The great issue decided at Baltimore, and sustained at the ballot-box was, that slavery was not a fit subject for congressional discussion or federal legislation. And the amnesty granted was upon a rependance for all errors in opinion, which looked to either, by any man who espoused the democratic cause. The platform was raised, not lowered-raised to keep off those who were false to true democratic princi ples-not lowered, to let everybody into the ranks who chose to follow the camp for the spoils of victory.

Some there were who stood and spat upon the democratic platform. Some acquiesced for the sake, it seems, of what they now so sturdily demand. Some maintained it in the general: sustaining the fugitive-slave law as a law of the land. While others-and by far the largest number-in an honest and upright heart sustained the principles of the platform, because they be lieved in, and loved them, as the truth and the right, to the democracy and the Constitution.

Among those who spurned the platform, w may name the New York Evening Post, the present organ of the soft shells in New York. Those who acquiesced are some who, in the same State, now claim the patronage of the government as a reward for their lives of fidelity to freesoil; others there were, of the same organization, who sutained the fugitive law, while they said nothing of their sins, embodied in the Buffalo creed-the Wilmot proviso-or the vote to import Mexican overseers to their southern brethren in their domestic institutions-while, in the full ranks of the sincere lovers and genuine supporters of the platform. might be seen those who now are suspected of an unholy alliance with whigs, and of deserting their party organization after the manner of Rives, of Virginia, Tallmadge, of New York, and White, of Tennessee!

To understand the difficulties which led to the platform of 1852, let us revert to the memfreesoilism sat receiving embraces, and as swerved from the line of duty. fondly returning them! For, let it be remembered, the ticket of 1849 in New York was made up of a mottled group of candidates-the one moiety of national democrats, the other, of Buffalo plotters! The one-half avowing true principles-the other, the doctrines of abolition and freesoil!

The nomination of Lewis Cass in 1848 was the work of those north and south who were determined that the skirts of the democracy should be freed from the stain of the proviso. That distinguished man was committed against it. The south received him as the nominee of the anti-Wilmot north.

He stood upon a platform which was old and venerable. It lacked the planks which the young spirit of democracy added in 1852, but retained in their original soundness the planks of 1840 and 1844. The party rallied to his support throughout the country; but his defeat was procured by the soft and benign influence of the leaders of the free democracy of the Empire State-Van Buren, old and young, Dix, Grover, Cochrane, the Evening Post & Co .. -defeated him and the party in November, 1848.

· To show upon what principles and in what attitude these gentlemen then stood, we refer our the best mode of demonstrating to the country readers to the well-remembered Buffalo plat-

That celebrated creed contains an endorsement of the Wilmot proviso-declares it to be the duty of the federal government to relieve itself of the "extension and continuance of slavery." whenever it has authority to legislate: and that planting its adherents "upon the national platform of freedom in opposition to the sectional platform of slavery," it avers it will admit "no more compromises with slavery;" which, "if made, must be REPEALED." . It an nounces with fearful desperation, "that we inscribe upon our banner, 'freesoil, free speech, free labor free men,' and under it will fight on and fight EVER, until a triumphant victory shall reward

our exertions." Such was the vindictive declaration of war against Cass and the "sectional platform of slavery," as they were pleased to term that on which he stood, and which had been associated with our party success in 1844, and sustained by our candidate in 1840, who trampled upon it in 1848! Such was the declaration of perpetual evar made by the freesoilers in 1848. Such was the bitter announcement of repeal to all compromises with slavery! Such their sense of the duty of the federal government against the extension and continuance of slavery, whenever the constitutional power of Congress could limit or abolish it. They advocated freesoil to territory already free, and abolition where there was slavery

Now, let it be observed that the platform of 1852 contains an acquiesence in the compromise, and a declaration, "that the democratic party will resist all attempts at renewing in

very queston, under whatever shape or color the attempt may be made."

Now is it not "strange-passing strange, that the men of Buffalo should have adopted in hearty sincerity not only the planks of 1848, which they had so terribly opposed and so bitterly denounced, but the additional planks of 1852, which so strongly condemned their beloved agitation? Is it not wonderful that the perpetual war against slavery, proclaimed by the freesoilers in 1848, should have been terminated by a sudden peace with slavery, which they should never again disturb? At Buffalo, they said, "our calm and final answer is-no more slave States, and no more slave territory!" At Baltimore they are now represented to have said, though Cuba should be annexed-though slave States should ask admittance, we would not agitate the peaceful surface of the political sea, by a single voice for freesoil or our once loved Wilmot!

This singular phenomenon in politics, a radi cal and entire revolution in opinion in the inerval of five years is not inexplicable. As we have already said, many washed their hands of all responsibility for the Baltimore platform, while others silently let the slavery portion of the platform alone and advocated the other

But in Congress, in State legislatures, where their responsibility of conventional proceedings does not avail to conceal individual sentiments. and a recorded vote by yeas and nays perpetuates and makes them public, these free-soil gentlemen have evaded a disclaimer of their Buffalo heresy, and, by doing so, refused a profession of the true faith. The rules of order and decorum have been found ineffectual to retain them in their seats when the test has

It was the design of the platform of 1852 not convert hypocrites, nor to allure plunderseekers. It was intended to unite all who truly elinquished, and manfully proclaimed their repentance of, political opinions which, when prought to bear upon federal action, imperilled the safety of the Union, by destroying the guarantees of the Constitution.

The idea of couniving at hypocritical professions of change of opinion on the part of forner traitors to the party, never was in the mind of true democrats during the contest. No party can drive from its ranks in the melee of battle those suspected of infidelity, nor in the midst of a campaign can it subject the motives of citizen volunteers in its service to condemnation and expose their deceit. But it s competent, yea it is the imperative duty of hose who have the direction of the affairs of party to make the distinction between the rue and the false in the bestowal of its honors and rewards, as well as in the distribution of ts responsibilities among its members. Policy lictates this course. Justice to itself and to the country demands that it be followed by every party in the discharge of its public trust.

It will indeed be remembered that, in the whole south, and in a great degree in the north, prominent objection to General Scott was, hat the mass of his patronage would be dispensed to the friends of Mr. Seward. We know that in the south the charge that General Pierce would reward notorious freesoilers was met with indignation. It was urged that to them he owed nothing-that his patronage would be used to encourage the ancient friends of peace in the north, and to discourage those fanatical leaders who had brought disaster on us in 1848; and that if they were rewarded at all, it would only be the sincerely repentantorable and disastrous era of 1848-before the who would receive favors in subordination to justice, and not executive elemency,) to come the better claims of those

> And this is and was the true ground-patronage must be directed and controlled by principle. Leave it without such guidance, and it is too corrupt and corrupting to live in a republic. To pay partizans for mere party service is a Walpole idea, which should be, if it is not, exploded by the democracy of America. The only view in which patronage is not repugnant, when connected with opinion, is this: Let it be so bestowed that it will make the government a unit in all matters in which opinion is essential to its unity of action-and as to other and subordinate appointments, let each one made illustrate the fidelty of the administration to the principles on which it came into power by the undoubted devotion to them of the person appointed. Then will the country see that patronage is not a question of spoilsbut the means of the illustration of principlesand by which they may be perpetuated and en-

> We cannot but feel that it is the highest duty of the present administration to maintain in its action the great principles on which it was raised to power, and to dignify them by placing in its offices their most worthy advocates, as its own sincerity, and of illustrating the truths it professes by the character of the friends it se lects as aids to the discharge of its trust. Thus acting, its mission and its history will be alike useful and splendid.

IMPORTANCE GIVEN TO FREE-

SOILERS. ITS EFFECTS

We are of those who have ever expressed the inion that the effort of the President of the United States, upon his coming into power, to reconcile the various factions of the democratic party was honest and ingenuous. We go farther, and believe that it was, to a mind not operated upon by passion and prejudice, a reasonable, and a natural hope. But we are of those who believe that there is a class of men who form their organizations for selfish ends; who, to gain power, to achieve influence. to acquire position, will stretch their consciences and sacrifice manly truth to accomplish their own objects. It is our purpose briefly to notice the family characteristics of the party or faction designated in the caption

Obtaining money under false pretences is ecognised by our laws as a penal offence. Even this may sometimes be done without a consequential involvement of the "animus" to defraud. It rarely fails, however, if innocently perpetrated, to be followed by contrition or explanation-many times by either or both, it is excused or forgiven.

Premising thus as to individuals or factions we are brought in this connection to consider first the sincerity of the freesoilers, which, if we prove it to be futile and hollow, will place them Congress, or out of it, the agitation of the sla- beyond the pale of our confidence; and second-

the national democratic party of our country is clearly to give them an importance and consequence at once dangerous to our principles and encouraging the revival of their own

wicked nurnoses. "To repent and believe" is a doctrine taught by one, the latchet of whose shoes we are not worthy to unloose. It was one which, without sacrilege, we may claim to apply, as we believe all those divine maxims were intended, to our transactions in this life, whether individual, political, or social. We cannot repent until we have believed-and we cannot believe until we have repented. The prodigal son was not met by a father's embraces until he had said, "I have sinned against heaven and in thy sight, and am no more worthy to be called thy son."

What evidence, then, have we that such spirit has moved or actuated the freesoil faction in New York? Has Prince John, who seems to hold his eminent position among them by his indomitable energy and attic wit-who is the more dangerous because he is smart and agreeable even to his political enemies-has he given the least indication that his opinions have un dergone any change? Look to Syracuse. His speech was made BEFORE the resolutions of his mobocratic faction were brought in. It was made to entertain his brethren during the absence of the committee to draft them, and to this day he stands pledged only to the resolutions which he had not seen, but which, with his wonted and hereditary non-commitalism, he said he had no doubt he would endorse.

Will this do for staunch northern allies true friends and defenders of the Constitution? Is the south willing to take this as a valid and sure guarantee from this chip of the old block? Will John Van Buren say publicly or privately, to any responsible man-authorized to re port it-that he is in favor of the resolution of his own faction upon the fugitive-slave law? Will he say he renounces the devil and all his works, for himself and his distinguished fatherall his heresies-and that he seeks honest affiliation with the stanch and sturdy national democrats in his own State, who have stood by the Constitution and the Union? Would not he and his well trained followers, backed by his bullies and ruffians—that band whose ruffianism we witnessed-have passed resolutions even to establish slavery in their own State, were such a thing necessary to nationalize them in the present contest, and to hold them fast in the confidence of our administration. We believe there could have been nothing too strong for their stomachs.

But our object is to prove the insincerity of this sinful and truly wicked banditti; and to do so, we must draw a little further upon their dramatis personae. We will pass by Isaac V. Fowler and Mr. Cochrane, the first a government appointee, and reputed telegrapher or instigator of the dispatch which brought the organized bullies to disturb and break up a calm deliberation of the differences of the two parties; and which, had it been calm, might have produced the result which had become a nation's wish, to wit: the union and harmony of the democratic party. Our distinguished chief magistrate has placed under the ban, long, long ago, all office holders who leave their official duties and official stations even modestly to interfere in political deliberations. And we pass by Mr. Cochrane, too, whose sins were the same, but whose head and whose influence did not give him the same prominence enjoyed by his brother Vandal We pass by them, we say, (hoping that they will obtain their reward through executive

We have time and space to notice but one of these hypocrites, and we shall do him up summarily and without stint. We have se lected him for our shaft, for two reasons-first, because he is, in a national view, the most important; second, because we have a little account to settle with him, which he must discharge by "note, payment, or otherwise." He is the endorsed candidate of the softs for Attorney General of the Empire State! God save the mark! An office, the conduct and character of which may require him to have to do with every case coming under the fugitiveslave law, which the softs so enthusiastically and with such rare unanimity endorsed and ap-

We now before the world make this charge upon him, which he has not the effrontery to deny or the manliness to admit. We dare him to do either.

Did you not, Mr. Grover, after the meeting of your friends, before your nomination only s few hours, when taunted by a gentleman that the maintenance of the fugitive-slave law had been applauded by your party, indignantly disayow and deny any participation in that manifestation? Answer truly, and you shall have justice, though it may be the Irishman's justice, in either case. How do you, sir, intend to kiss the holy Bible to defend and maintain the Constitution and laws of your country, while you are in sentiment, at least, in the open and sacriligious violation of it every hour of the day. The truth is hard to tell, but much harder to stick to: take care.

But we turn from this infamous and revolting combination to strike down the good and true, to consider in a few words the "effects" of the ecognition of this national mob.

We must speak truly, because it is our pub lished and proclaimed mission to do so. When we can't get our bread by so doing, we shall seek ome other employment, which, though more humble and lowly, will carry into our heart the consolation that we earn it honestly. We are not of the vassal tribe who know no God but Mammon, and see patriotism only through the medium of our own selfish ends. Our bantling only wishes to feed upon the truth, and though with scarce the shell (hard though) off its back, it has the ambition, if not the wing, to achieve the ends of truth. We are not spoiled by prosperity, and it is our pride to know that none of our name, near or remote, have eaten the bread of a federal government. We therefore essay to speak those things we do know, and testify that we have seen. Hence, while we believe, as we have said, the President, with patriotic and virtuous intent, desired this recognition of these temporary and transient crowders upon the Baltimore platform, to effect solid and genuine union of the party-to quell the fearful spirit of abolition-to destroy political bigotry, feigned or real, wherever found-and while we have said to him it might have reasonably appeared a natural hope, still we believe that it has signally

ly, the effect that any recognition of them by failed. It has resuscitated the freesoil party, It has given them a consequence that has already begotten impudence. The snake that we hoped was killed is only scotched; the genial rays of public patronage have warmed it into being; its vitality is palpable; it will creep for a time upon its belly, till feeling the full confidence of restored power, it will rear its snaky crest and strike its deadly fangs into the boson that nurtured it. Such we sincerely believe to be the true end of the vitality given to this lately prostrate and unprincipled crew.

THE PENNSYLVANIAN AND JUDGE

Had a thunderbolt fallen from the clear sk of yesterday we could not have been more as tounded than we were by the article that ap peared in the Pennsylvanian, under the caption of "Guthrie, Davis, and Bronson"-truly an ill-assorted triumvirate. Up to Saturday last, the Pennsylvanian had been strong in its sympathy with the national democrats-it had been warm, zealous, and consistent. But in the twinkling of an eye-with all that precipitate suddenness that marked Saint Paul's conver sion-it doffs the honored uniform of the old guard, of which it was a dashing lieutenant, and unaccountably donns the epauletts of the freesoilers. Without rhyme or reason, without a word of apology or explanation, it changes its position. Saint Paul pleaded a miracle, the intervention of high heaven, when, from a persecutor of the saints, he became a saint himself But without plea, or excuse, or apology, or rea son of any sort, the Pennsylvanian, from a zeal ous defender of the national democrats plunges headling into the ranks of its foes.

What is the meaning of this treason? demand to know. The press shall not commit such tergiversations in the face of day and pass unquestioned by us. There is something "rotten in Denmark." Such is our confidence in the proprietors and conductors of that paper, (nor are we, in this instance, without special reasons for that confidence.) that we believe they were as much surprised and mortified at the appearance of the article to which we refer as we, ourselves, were. We believe they dis approve of it as strongly as we do. WHERE DID IT COME FROM? WHO FORCED IT IN? If not forced, who smuggled it in? Who is the AUTHOR? We await further disclosures, for the truth must out.

THE WILKESBARRE SLAVE CASE. We publish to-day the able opinion of Judge Grier, discharging the deputy marshals of Penn sylvania, who had been arrested by some malicious fanatic, for attempting to execute the fugitive-slave law. Throughout the struggle which the abolitionists have made to thwart and resist the execution of the act of Congress providing for the surrender of fugitives from ser vice or labor, Judge Grier has been conspicuous for his resolute determination to uphold the laws of the land. His opinion in the Wilkes barre case will add to his high reputation as firm, able, and patriotic officer. Great credit is also due to John W. Ashmead, esq., the United States district attorney, who labored with unceas ing diligence and eminent ability to thwart the illegal and dangerous purposes of fanaticism.

We copy the following from the Richmond Enquirer of yesterday. We fully concur in the opinions it expresses, and commend it to the

attention of our readers:

The President and the South We suspect the whig press will find it a dif ficult task to convince the country that the administration of President Pierce is wanting in regard for the rights of the south. If the cabitionism—an absurd supposition—the south has an impregnable bulwark of defence in the inflexible patriotism of him who directs and con trols the policy of the administration. It is not possible to impair the confidence which southern men repose in the firmness and integrity o President Pierce. His principles and his cour age have been exposed to every sort of tempta-tion and trial, and it is absurd to suspect that he will manifest either fear or treachery when his personal honor, his position before the coun try, and the respect of posterity, will be the forfeit of any compromise with abolitionism Mr. Pierce has nothing higher to achieve in the field of political promotion. He is above the petty ambition of intriguing politicians. His object now is an historical fame, which he car achieve only by consistent adherence to the principles of his past life, and by upholding the in tegrity of the Constitution, and by promoting the best interests of the country. To suspec him of a disposition to countenance abolition is to assume that he is wanting as much in

common sense as in good faith.

To those who pretend not to find in the past life of President Pierce a sufficient guarantee of his fidelity for the future, we would make this suggestion: await the development of the Pres ident's policy in his message to Congress; and if you do not find there abundant security for the south, then tell the people that the country is in danger. For our part, we have as much confidence in Mr. Pierce—in his determination to maintain the rights of the south—as if he had drawn his first breath on the banks of the Savannah, and was the master of his hundred slaves And we venture to predict that his adminis-tration will amply justify our opinion. Before many months the country will have an explicit declaration of his policy, and we hazard the prediction that, in his message to Congress, the south will find every proper assurance and

A TRUE DEMOCRAT.—The lager beer spirit of true democracy fairly frothed at the nozzle up in Rhineland, yesterday. Hans Petrikens and old Baumginerhoff got into a dispute, which illuminated the knotty subject of political discussion—clear as mud.

"Hans, I dell you sub-tig; you knows not-ig!"

"Yaw," says Hans. "Yaw," adds the old man, "you knows not-ig too. Now you skin mit yer eye—

"Aun you be shleep mit your eye shut open, dat way, for de tam poll-tish-ners, dey tell you, Hans, dat de free soil is good; dat's a lie!" "Ynw." "Aun den de odder feller, he says de Maine law ish good; dat's anodder lie, too, de same.'

"Wall, den de odder feller, he tell you d whig ticket ish good; dat's anodder lie, too."
"Yaw," says Hans.
"Den de nodder feller, he goesh to you, and kom and he say, vote de odder ticket, mit an-

odder name; dat ish a lie, too.' "Tonner and blixen!" cries Hans, in disgust what der deifel ish te ticket vot I vote, eh? "Bah! you know noting too, chost like mine old pigs mit de sow. Now I tell sometig; you vote ash I do; ash I vote these five-and-twenty

"Vote for old Sheneral Shaxon, mit de whole ticket, and noting shorter!"
"Hurrah for Shaxon!" cries Hans. "Dat ish right, Hans-hurrah for

kom git some beer!" And Hans and his political mentor scattered into a lager-beer saloon, yelling-"Harrah for Shaxon!

[From the Philadelphia Evening Bulletin.]
THE WILKESBARRE SLAVE CASE.

JUDGE GRIER'S OPINION. Ex Parte John Jenkins and James Croz

n the circuit court of the United States for the astern district of Pennsylvania. As all cases involving questions concern the jurisdiction and powers of the courts of the United States, and those of the several States, United States, and those of the several States, especially if they have any connection with the act of Congress, "concerning fugitives from justice and persons escaping from the service of their masters," excite much public attention, and seem peculiarly liable to misrepresentation from the garbled statements of those who undertake to report them; I have concluded to reduce to writing the opinions I entertain in

his case. Our very peculiar institutions, which require of every citizen a double allegiance and obedience to two distinct sovereigns, with inde pendent judiciary systems emanating from each make it especially necessary that great caution and prudence be exercised by their respective tribunals, in order to avoid any collision or conflict in the exercise of their respective jurisdic-tion over the same subjects and persons. That there should be great diversity of opinion as to the limits of the power of either sovereign and its courts, may naturally be expected. But without adopting the political opinions of extremists on either side, it is the duty of courts, in order to have no unpleasant collisio earefully avoid the assumption of powers not plainly confided to them, and, at the same time, to perform the duties imposed upon them with firmness and resolution, disregarding the clamor or the contumely of heated partizans. "The writ of habeas corpus is a high pr

The jurisdiction of the courts of the United States is limited, but within its limits supreme The State courts have often, in many cases, a concurrent jurisdiction over the same subjects and persons. But neither can treat the other as an inferior jurisdiction, except in the cases where the Constitution and acts of Congress have given such power to the courts of the Union. Where persons or property are liable to seizure or arrest by the process of both, that which first attached should have the preference. Any attempt of either to take them from the legal custody of the officers of the other would be an unjustifiable exercise of its power and lead to most deplorable consequences.— Therefore, if a person be imprisoned under the civil or criminal proofs of one, the other cannot take him from such custody in order to subject him to punishment for an offence against them A fugitive cannot be taken from the legal custody of the sheriff by any warrant from th courts of the United States, in order to extra dition, under the acts of Congress. Neither can such fugitive, when in custody of the mar shal, under legal process from a judge or com-missioner of the United States, be delivered from such custody by means of a habeas corpus or any other proofs, to answer for an offence State, whether felony or misd

eanor, or for any other purpose.

While the act of Congress does not forbid th udge, magistrate, or other person whomsoever officer or owner extradition.

habeas corpus to review or sit in lead to a very unpleasant conflict, which every good citizen should be careful to prevent.

On the return of this writ, on Wednesda court upon it, by learned counsel, who appeared without stating on whose behalf, or by whom they were authorised to interfere in the matter. Being desirous to hear any objection which could be made as to the extent of the power of the court in this matter, these gentlemen were willingly heard as amici curia, without any in-quiry as to who had authorised them to take a part in the proceedings.

It was objected that the court had no autho

an alleged criminal offence against the State of Pennsylvania; and that the warrant was con-Pennsylvania; and that the warrant was con-clusive evidence of the fact. To a habeas corpus issued by this court under the general au-thority conferred on them by the judiciary act, this objection would be conclusive. But this writ was not allowed and issued under the general law, but under the special powers conferred by the seventh section of the act of Congress of second of March, 1833, ch. 57; which, so far as is material to our present inquiry, is as

And be it further enacted, that either of the justices of the supreme court, or a judge of any district court of the United States, in addition to the authority already conferred by law, shall have power to grant writs of habeas corpus in all cases of a prisoner or prisoners in jail or confinement, where he or they shall be committed or confined on, or by any authority or law, for any act done or omitted to be done in pursuance of a law of the United States, or any order, process or decree of any index or court thereof process or decree of any judge or court thereof anything in any act of Congress to the con

For the purpose of the discussion and argument of this point, it was necessary to assum that the facts set forth in the prisoner's petition were true, leaving the proof of them to b made out afterwards. The petition states dis-tinctly that the prisoners have been committed for an act done in executing process issued in pursuance of a law of the United States. It therefore comes within the provisions of this

imprisoned in consequence thereof. C prays a habeas corpus, and shows that he was the

discharge a prisoner in such a case, because the

ing party; and if made by three or more per

that it was made in execution of a legal warrant

The authority conferred on the judges of the

Inited States by this act of Congress give then

all the power that any other court could exer-

cise under the writ of habeas corpus, or gives them none at all. If under such a writ they

may not discharge their officer when imprisone

"by any authority for an act done in pursu

impossible to discover for what useful purpose

brought before them only that they may ac-

act of legislature declared that the fugitive law

hose of the United States who should attempt to

to treat such act as unconstitutional and void

and discharge their officers from imprisonment

when mischievous intermeddlers endeavor to

prevent and abuse State process for the same

ourpose? If the marshal and his officers may

be arrested for serving process, why not the commissioner and judge who issued the pro-

cess? The extremest advocate of State right would scarcely contend that in such cases the courts of the United States should be wholly

unable to protect themselves or their officers

Let us look at the consequences. While the

marshal's officers in this case were endeavoring

to retake the prisoner who had escaped from

hem, the person who afterwards swore to the

nformation on which this warrant was issued,

had a warrant put in the hands of the sheriff,

which he very wisely refused to execute, know-

ing the persons charged to be acting under

authority of the laws of the United States

had attempted to execute the process, wha

marshal resists a contest ensues, which may

be called, in fact, a war between officers, eac

acting and justifying their conduct under proof from their respective sovereigns. If the sheriff succeeds, as probably he would, the fugitive is discharged and the officers of the United States

conveyed to prison. If such a state of affairs

can be brought about at the instance of any

mischievous or unprincipled person, who is willing to swear without scruple to that which

he does not know to be true, or perhaps knows

a safe mode of nullifying the Constitution and laws of the United States. Those who cele-brate the anniversaries of the Syracuse riots,

and of the Christiana murder, may well rejoice

Not believing that the courts of the United States have been left in this hopeless condition

or that we are required and authorised to issue a habeas corpus, without any power to release

to the jurisdiction and power of the court was overruled, and the further hearing of the case

postponed till the 12th of October, in order that

proof might be made of the facts stated in the

petition, and that the State of Pennsylvania

through her known officers, might appear, if she saw fit, and show any just cause of com-

plaint against the officers now in arrest.

On that day the same learned gentlemen who

had appeared on the former occasion, came for

ward and proposed to take a part in the pro-ceeding. They were requested to state whom

ceeding. They were requested to state whom they represented, and to show their authority, if they had any, to intervene on behalf of the

State of Pennsylvania. It was answered that

they had been employed by the constable who made the arrest. To which it was replied by the court that their duty to their client ended when they had made out his return to the writ

of habeas corpus; that the constable had no

more concern with the result of this proceeding than any other citizen. That the United States

government has appeared by its proper representation in defence of its officers; and if the

commonwealth of Pennsylvania, by any officer entitled to represent her, avows this proceeding, and complains that her laws have been trans-

and complains that her laws have been transgressed by the prisoners, they should be heard. That, if the gentleman had any authority from the governor or attorney general of Pennsylvania, or from the prosecuting attorney of Luzerne county, they should be heard. But as the court had no reason to believe that any of those officers had shown or would show the least

officers had shown, or would show, the least countenance to such proceedings, and as the

the prisoners if unjustly detain

at the discovery.

would have been the consequence?

he act was passed. Is the prisoner to

ance of a law of the United States," it wo

sons, is a riot, provided the fact be concea

rogative writ known to the common law; the great object of which is the liberation of those who may be imprisoned without sufficient cause It is in the nature of a writ of error to exam ine the legality of the commitment; it brings the body of the prisoner up, together with the cause of his confinement. The court can undoubtedly enquire into the sufficiency of that cause."—(See ex parte Watkins, 3 Peters, 201.) A warrant of arrest issued by a justice of the peace has none of the characteristics of judgment of a court of record, and is therefo not conclusive evidence that the prisoner is rightly deprived of his liberty. It is every day's practice to inquire into its regularity, an whether it has been issued on sufficient grounds to justify the arrest and imprisonment. If this could not be done the writ of habeas corpus would little deserve the eulogies which it has citizen. Warrants of arrest, issued on the application of private informers, may show on their face a prima facie charge sufficient to give jurisdiction to the justice; but it may be founded on mistake, ignorance, malice or pe jury. To put a case very similar to the present, A tells B that he has seen C kill D. B runs off to a justice, swears to the murde boldly without any knowledge of the fact, and takes out a wagrant for C, who is arrested and

issuing of a habeas corpus by a State judge, i carefully guards against the abuse of it, and makes a certificate of a commissioner or judg of the United States "conclusive evidence of the right of the person or persons in whose favor it is granted, to remove such fugitive, "all molestation of such person of persons by any process issued by any court This act of Congress is the supreme law of the land, and binding on the conscience of State judges as well as those of the United States. Judges of the United States, as well as of State courts, are therefore bound to dismiss a writ of habeas corpus, or to refuse to allow it whenever they are properly informed that the prisoner is held by legal process under this act, and not to suffer it to be abused by mischievous intermeddlers for the purpose of "molestation" of the of the fugitive in effecting his

The laws of the United States give ampl remedy by habeas corpus for those illegallimprisoned under color of their process—and State courts have, in many instances, exercised a concurrent jurisdiction in similar cases. But State courts or judges have no power under a error upon the judgments or process of the judicial officers of the United States acting within the invision. tion committed to them, as has sometimes been done. I have known of one instance (and heard of others) where a fugitive legally in custody has been discharged on habeas corpus, under pretence or affectation of judicial ignorance that slavery existed in Virginia. Such an abuse of judicial discretion was held to be no defence to those who knowingly rescued the fugitive by means of it. Whether such an ille gal discharge would protect the marshal from the high penalty inflicted on him for permitting an escape may well be doubted; and if he should resist it, as possibly he would, it would

I have made these remarks, as preliminar to entering upon the question now before us in order to rectify a misapprehension and gross misapplication of those made on a former of casion, and also that persons whose zeal in favor of fugitives is sometimes permitted so far to outrun their discretion may be aware of the mischievous consequences, both to themselves and others, which are likely to ensue from at tempts thus to abuse the process of State courts and bring them into conflict with those of the

The prisoners, John Jenkins and Jame Crozier, have been brought before the cour by virtue of a writ of habeas corpus issued and allowed by me on the 4th of October, and di rected to J. B. Chollet. The petition for this writ sets forth that the petitioners are deputies of the marshal of the United States for this district; that a warrant was placed in their hands by said marshal, issued by E. D. Ingraham, esq., commissioner, and endorsed by a judge of the Supreme Court, directing them to arrest a negro named William Thomas, who being held to labor and service in the State of Virginia, and owing the same to a certain Isham Keith, of Fauquier county, Virginia, had escaped therefrom into the State of Pennsylva nia; that they proceeded to Wilkesbarre, Lu zerne county, Pennsylvania, where the fugitive was found; that they attempted to arrest him, in obedience to said warrant; that the arrest was resisted with great violence, and, after a severe struggle, the fugitive succeeded in escaping. They complain that they have been arrested and imprisoned, under color of a warrant for the struggle. rant from a justice of the peace of Luzerne county, charging them with an assault and battery on said fugitive, with intent to kill, and pray to be discharged from said imprisonment.

To this writ of habeas corpus Chollet makes return—that he detains the prisoners by virtue of a certain warrant issued by Gilbert Burrows a justice of the peace for the borough of Wilkes barre, and endorsed by an alderman of Phila

The warrant sets forth an information upon the oath of a certain William Gildersleve, Geo. Wynkoop, John Jenkins and James Cro zier, in a riotous manner, with pistols and other weapons, beat and wounded a certain colored man named Bill, and that they assaulted, beat and abused the said Bill, as the deponent be lieved, with the intent to kill him.'

ity to discharge the prisoners, because they were held by a warrant from a State magistrate, for

person who had a right to complain as the in-jured party (if any one had) has confessed the justice of his arrest by fleeing the country, we would not permit mere volunteers to interfere for the purpose of embroiling the State of Pennsylvania, against her will, with the United who had a right to complain as the in-States, or that any society of persons, however respectable, should assume to be the guardians her peace and dignity.

Evidence was then received to show that the

risoners were deputies of the marshal—that a awful warrant was put into their hands com-

manding them to arrest one William Thomas, a fugitive from labor; that in pursuance of this warrant they arrested said fugitive; that he resisted with great violence, and made at-tempts to wound and kill the officers; that he

tempts to would and kill the olicers; that he succeeded in escaping from their arrest—ran into the river—where, armed with a knife, he declared he would not be taken alive; and that

the officers seeing this to be his determination gave up the attempt to re-capture him, and came away; and that for these acts, done in obedience to their writ, they had been falsely charged with riot and assault and battery. The counsel for the prisoners having thus above. counsel for the prisoners having thus shown, as they contended, a case sufficient to authorize their discharge, closed their case. But the court being informed that a number of respectable persons were present, who had witnessed the transaction, and being desirous to ascertain whether the officers had acted in an unjustifiable manner, such as to call for censure or punishment, ordered the depositions of those persons to be taken by a commissioner. In order also to ascertain upon what grounds the sworn information was made, and who were the persons prosecuting it, the deposition of Wm. C. Guildersleeve, on whose oath the warrant was founded, was also taken; it being due to that person that he should be allowed to justify himself for the course he has pursued. In order to obtain this warrant for the prisoners, he had given the statement of the prisoners, he had given the statement of the prisoners. he had signed a deposition, stating positively that the prisoners had committed an assault and battery on Bill or William Thomas, with pistols, &c., with intent to kill him. He now says on oath, that he was not present and knows nothing of the transaction whatever; that he did not see William Thomas that day at all; that a certain Joseph Easterline had told him "that a man was shot at the river bank and was dying," and "that it was a colored man that was shot;" that he immediately consulted Mr. Collins, and, after finding out the name of one of the prisoners, that he then went to a justice of the peace, and told him that there had been a man shot at the river bank, and he wanted a warrant; that the justice wrote out an informa-tion and read it to him, and he swore to it—to the best of his knowledge and belief; that he never swore out a warrant against anybody before, and it was a new business to him, but he did it by the counsel of Collins; that he did not know the persons who attempted to arrest Bill were officers at that time. That he cannot tell what he swore to before Esquire Goff in order to obtain the warrant. That he did not see the prisoners fire pistols—got all his information from Easterline and Seaman; that his sheriff of the county, and hanged D in pursuance of a legal warrant. If a court could not "interview with them was very brief minute." That he had no belief of what warrant was regular on its face, the writ of hathe officers came for, his "mind being wholly beas corpus is of little use. Every arrest of the person is an assault and battery, and at-tended with force and violence against a resistintent on the single subject of obtaining a war-rant at that time." That he thought a man had been killed by shots, and made no further inquiry. That we got the warrant and delivered it to the sheriff, and told him he wanted him to execute it. Nothing was done on this warrant Some two weeks after this, after the witness had learned that the fugitive was not shot, and that the prisoners were officers, and had made an unsuccessful attempt to arrest the fugitive, an affi davit was brought to him, ready written out by Squire Burroughs, (on which this warrant was issued.) Burroughs had made out the affidavit at request of Messrs. Brown and Jackson. That it was intended when the information was drawn out, that one Kutz should swear to it, but as it was inconvenient to find Kutz, the Squire told him it did not make a particle of difference knowledge their utter impotence to protect him? This act was passed when a certain State of this Union had threatened to nullify acts of Congress and to treat those as criminals who should attempt to execute them; and it was intended as a remedy against such State legis-Brown, but supposed it was some person in Philadelphia. That he knew nothing of them until they introduced themselves to him in his store. That it never came into his mind to should not be executed within her borders, and state to the magistrate that the persons claimed had directed her officers to arrest and imprison to be marshal's officers making an arrest; and finally, that "he knew nothing about any execute it, would not this court have been bound or fire-arms, or any knives and forks, or any thing under heaven." Comment on such conduct is superfluous. It under it? And have they no power to do so, is enough to say that it shows to the court, the

while the sane and intelligent portion of the population of Wilkesbarre, who witnessed this transaction, and the public prosecutor, whose duty it was to prosecute offences against the public peace, have not seen proper to institute any proceedings, some philanthropic individuals or association, in Philadelphia, have ventured to take the people of Luzerne county under their protection, and have been so fortunate as to find a witness willing to swear to an information, of the truth or falsehood of which, by his own account, he was utterly ignorant. In puting no bad motive to the witness for such rash and ill-advised conduct, we think he has and are pleased to see that he is now better in-formed, and in his last deposition has refused to "testify to that which he has heard by report from others," and that he now believes "that rumor is no testimony."

Now, let us suppose the marshal's officers had succeeded in making the arrest, and the sheriff In order to correct any false impression which may have been received with regard to this transaction, we think it proper to give a brief history of the facts as elicited from the testimony of numerous and respectable eye-witnesses who have been examined, and testify not to rumor, but to what they saw and heard.

The three deputies of the marshal, accom-

panied by two gentlemen from Virginia, who were well acquainted with the fugitive to be arrested, entered the dining room of the Phænix hotel, in the morning, about 7 o'clock, and found the negro Bill, or William Thomas, in the room. The agent of the owner took hold of the fugitive and handed him over to the officers, saying, "this is the boy I require you to take under the warrant"—as the officers proceeded to arrest him, telling him they were United States officers, a violent struggle ensued; the landlord of the hotel, who was sitting at his breakfast, got up and went around the table, and said, "Bill, give up, there is no use to resist." Bill called for his pistols. The landlord attempted to get hold of him. Bill made a pass at him, to hit him in the face, but missed t, and struck him on the shoulder. attempted to secure him; one of them seize him round the waist—he was thrown on the floor; but rising with them, he obtained posses sion of a carving knife, and attempted to stab.
Mr. Settle, who had come to the assistance of
the officers. This blow was partially warded
off by another person, so that Settle was struck
with the handle, instead of the point of the
knife, on his clbow, and disabled from rendering further assistance. The knife being taken from him, the officers endeavored to secure the from him, the officers endeavored to secure the prisoner's hands with shackles or handcuffs, but succeeded only in getting them on his right wrist, when Bill struck Crozier, one of the deputies, over the head with the handcuffs, inflicting a cut on his temple, and seeming and disabling him for a time. Bill was again thrown down, the officers in vain attempting to secure his hands with the handcuffs; Bill rose up with them, and seized a table knife and wounded slightly the hand of Jenkins, who held him around the waist. This knife was wrested from him, and likewise a fork which he had seized. While Bill had possession of the carving knife, and was and consistent the first table. and was endeavoring to stab the officers, some one cried out to them, "Why don't you shoot him," one of them answered, "We don't want a dead negro." "Do not burt him"—one of the witnesses said, "he fought desperately, and endeavored to kill them." He made his way to the door at length, with two of the officers endeavoring to hold him, and finally released himself from them, and escaped and ran to-